

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195 (SHS) (OTW)

Daily News, LP; Chicago Tribune Company,
LLC; Orlando Sentinel Communications
Company, LLC; Sun-Sentinel Company,
LLC; San Jose Mercury News, LLC; DP
Media Network, LLC; ORB Publishing,
LLC; and Northwest Publications, LLC

Plaintiffs,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

Civil Action No. 1:24-cv-3285 (SHS) (OTW)

DECLARATION OF ZACHARY B. SAVAGE

I, Zachary B. Savage, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Partner at Susman Godfrey L.L.P., located at One Manhattan West, New York, NY 10001, which represents Plaintiff The New York Times Company (“The Times”) in this case. I submit this declaration with The Times in support of the News Plaintiffs’ response to Defendants’

motion to consolidate this case with the *Center for Investigative Reporting* case pending before this Court. *See Center for Investigative Reporting v. OpenAI, Inc.*, Case 24-cv-04872; Dkt. 256.

2. The parties began negotiating a protocol for Plaintiffs' inspection of OpenAI's training data in May 2024, and did not reach agreement on the Stipulated Training Data Inspection Protocol until October 3, 2024. Dkt. 253. Plaintiffs were permitted to begin their inspection of OpenAI's training data on October 16, 2024.

3. The parties began negotiating a source code review protocol in July 2024 and did not reach agreement on the Stipulated Source Code Order until September 26, 2024. Dkt. 247.

4. The parties began negotiating the terms of a protective order in February 2024 and did not reach agreement on the Stipulated Protective Order until May 2024. Dkt. 126.

5. To date, OpenAI has served 10 interrogatories, 170 requests for production, and 12 requests for admission on The Times. Microsoft has served 18 interrogatories, 110 requests for production, and 67 requests for admission on The Times.

6. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 18th day of October, 2024.

/s/ Zachary B. Savage
Zachary B. Savage